

REMARKS

Claims 1-3, 5-10, 12 and 13 are pending in this application. Non-elected claims 6-10 have been withdrawn from consideration by the Examiner. By this Amendment, claims 1, 2 and 5 are amended and claims 4 and 11 are canceled. Specifically, claim 1 is amended to incorporate the subject matter of claim 4. Claim 5 is amended to directly depend from claim 1. Claims 1 and 2 are amended to correct minor informalities. Support for the amendments to the claims may be found, for example, in the claims as originally filed. No new matter is added.

Claim 13 is not addressed in the Office Action. Claim 13 is identified as withdrawn in this listing of the claims because claim 13 depends from non-elected claim 8.

In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

I. Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1-5, 11 and 12 under 35 U.S.C. §102(a) or (b) as being anticipated by WO 03/085049 A1 to Hu et al. ("Hu"). The Office Action relies on WO 03/080513 A2 to Johnson et al. ("Johnson") in asserting that a characteristic is inherently taught by Hu. By this Amendment, claim 11 is canceled without prejudice or disclaimer, rendering the rejection moot as to that claim. Applicants respectfully traverse the rejection.

A. Claims 1-5

Hu at least fails to teach "the composite material having a tensile strength of at least 1.5 GPa and a modulus of at least 50 GPa" as recited by amended claim 1. Conversely, Hu discloses composites in the form of as-spun fibers having a tensile strength of 0.33-0.35 GPa and a modulus of 13-19 GPa, which are well below that of the claimed composite material. See page 1, lines 12-14 of the specification (discussing Hu as background art).

Moreover, even though the Office Action rejects now canceled claim 4, the Office Action fails to address the subject matter of claim 4, which is incorporated into amended claim 1. See page 3. In addressing whether Hu teaches "the composite material having a tensile strength of at least 1.5 GPa and a modulus of at least 50 GPa" as recited by claim 1, which Hu does not teach, one should look, for example, to: page 7, lines 33-34 ("The tensile strength and elastic modulus of the fiber was 0.33 GPa and 13 GPa, respectively."); page 8, Table 1 (disclosing tensile strengths of 0.5 GPa and 0.57 GPa and tensile modulus of 19 GPa and 46 GPa for the as-spun and heat-treated fibers, respectively); and page 9, Table 2 (disclosing tensile strengths of 0.34 GPa and 0.42 GPa and tensile modulus of 17 GPa and 31 GPa for the as-spun and heat-treated fibers, respectively). On the other hand, the teaching that "[t]he tensile strength and modulus of single-wall carbon nanotubes have been estimated to be as high as 100 and 1000 GPa, respectively" at page 1, lines 19-20, of Hu is inapplicable to the claimed composite material of claim 1 because this teaching refers to SWNT alone. Johnson is merely cited for showing an aspect ratio greater than 100 and is not further relevant to Hu.

Thus, Hu does not anticipate claim 1. Claims 2, 3 and 5 depend from claim 1 and, thus, are also not anticipated for at least the same reasons. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Claim 12

Hu at least fails to teach "a multifilament fiber comprising at least 5 filaments" as recited by independent claim 12. In contrast, Hu is silent on multifilament fibers, let alone "a multifilament fiber comprising at least 5 filaments," because Hu only teaches monofilament fibers. See page 1, lines 11-12, of the specification ("For instance, if fibers are made only monofilament fibers are obtained."). Thus, the Office Action's assertion that the fibers of Hu

include multifilament fibers is without support. See page 3. Johnson is merely cited for showing an aspect ratio greater than 100 and is not further relevant to Hu.

Thus, Hu does not anticipate claim 12. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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